

261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12838-2022
Date of Decision: 04.04.2022

Chandni Gupta ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for setting aside/modifying the order dated 18.02.2020 (Annexure P-16) passed by the learned Chief Judicial Magistrate, Jalandhar.

2. It has been submitted by learned counsel for the petitioner that the petitioner is facing trial in FIR No.101, dated 30.05.2018 registered under Sections 406, 420 and 120-B of IPC, 1860 and Section 12 of the Passports Act, 1967 and Section 13 of Punjab Travel Professionals Regulation Act, 2014 and the petitioner is a lady and is based in Singapore and her husband resides in Sri Lanka and the petitioner was granted permission to go abroad by an order passed by this Court vide Annexure P-11, dated 25.07.2019 and thereafter it was further extended by the learned trial Court vide Annexure P-12 and P-13 and thereafter again she had applied before the learned trial Court for extension of time and only 45 days was granted to the petitioner vide order dated 18.02.2022 (Annexure P-16). Learned counsel for the petitioner has submitted that the petitioner is aged about 30 years and a child was born to her

without it she cannot come back to India and for the same process would take some time as the child is infant of 5 months of age and in view of the aforesaid compelling circumstances, the petitioner has to stay there for some more time and has prayed that some reasonable time be granted to the petitioner to enable her to come back to India along with her child.

3. On the other hand, Mr. R.S. Thind, learned DAG, Punjab has stated that the petitioner has already taken a lot of time in pursuance of the order passed by this Court whereby she was granted permission to stay abroad.

4. I have heard the learned counsel for the parties.

5. The facts of the present case would show that the petitioner was earlier granted six months time to travel abroad by this court and thereafter twice it was extended by the learned trial Court. The argument raised by the learned counsel for the petitioner that a male child was born to the petitioner on 04.11.2021 and is only 5 months of age and his passport has been applied but the same is taking some time and for that purpose, she may be granted some more time, has some weight. This Court is of the considered view that it will be in the interest of justice in case some more reasonable time is granted to the petitioner for returning back to India.

6. In view of the above, the present petition is allowed. The order dated 18.02.2020 is set aside and the time granted to the petitioner for returning back stands extended for another period of four months from today. After the expiry of period of four months, the petitioner shall surrender before the Court.

(JASGURPREET SINGH PURI)
JUDGE

April 04, 2022
Manpreet